IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.85 OF 1999

IN

PETITION NO.316 OF 1982

Shri Vaikunthrai alias Yogendra Amratlal Bhatt ...Petitioner

v/s

Shri Kaniyalal Amratlal Bhatt ...Respondent

Mr B.S. Shetty for Petitioner.

Mr M.S. Bhandary i/b Mr Yogesh Trivedi for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 23RD JUNE 2006.

P.C. :-

1. The learned counsel appearing for petitioner states that this petition has been taken out under section 317 of the Indian Succession Act 1925. Perusal of section 317 of the said Act shows that it does not confer any power in Court to make any order. It casts duty on the executor or administrator. Unless power of the Court to make order is invoked, an application cannot be made to the Court. Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.